

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: ARC AIRBAG INFLATORS
PRODUCTS LIABILITY LITIGATION

MDL No. 3051

Case No: 1:22-md-03051-ELR

**DECLARATION OF HANS-ULRIK VON BÜLOW IN SUPPORT OF
SPECIALY APPEARING DEFENDANT VOLKSWAGEN
AKTIENGESELLSCHAFT'S MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION (FED. R. CIV. P. 12(b)(2))**

I, Hans-Ulrik von Bülow, declare that:

1. I am over eighteen years of age. I make this Declaration in support of Specially Appearing Defendant Volkswagen Aktiengesellschaft's ("VW Germany's") concurrently filed Motion to Dismiss for Lack of Personal Jurisdiction. The facts set forth in this Declaration are based on my personal knowledge, on matters known to me in the course of employment by VW Germany, or on particular matters made known to me that, consistent with my experience, I believe to the best of my knowledge to be reliable and true. If called as a witness, I could and would testify to the following.

2. Currently, I am employed by VW Germany as a manager in the VW Germany legal department. I am personally familiar with and knowledgeable about the business functions and organization of VW Germany. I am authorized to execute this Declaration on behalf of VW Germany.

3. I understand that Plaintiffs' Corrected Consolidated Class Action Complaint captioned *In re: ARC Airbag Inflators Products Liability Litigation* filed in the United States District Court for the Northern District of Georgia, Atlanta Division, Case No. 1:22-md-03051-ELR alleges that the airbag inflators installed in Plaintiff Brandy Knapp's MY 2019 Volkswagen Jetta, Patricia Jones' MY 2019 Volkswagen GTI, Eniko Gedo's MY 2017 Volkswagen Golf, and Francine Lewis' MY 2019 Volkswagen Jetta are defective. I understand that these four individuals are named plaintiffs in an action captioned *Knapp v. Volkswagen Aktiengesellschaft et. al.*, Case No. 1:23cv889, pending in the Eastern District of Virginia.

VW Germany

4. VW Germany is organized under the laws of the Federal Republic of Germany and maintains its principal place of business in Wolfsburg, Germany. VW Germany conducts its operations from Germany.

5. VW Germany is not incorporated anywhere in the United States, including Virginia.

6. VW Germany is not licensed, authorized, or registered to conduct business in the State of Virginia.

7. VW Germany does not design or manufacture Volkswagen vehicles in the United States. VW Germany does not sell vehicles in the United States, nor does VW Germany implement any distribution system, advertising or marketing strategy,

or marketing campaign for Volkswagen vehicles sold or leased in the United States. VW Germany does not maintain a dealer network in the United States. VW Germany does not issue or administer vehicle warranties to consumers for Volkswagen vehicles sold or leased in the United States.

8. VW Germany did not manufacture the Volkswagen Jetta vehicles allegedly purchased by named Plaintiffs Brandy Knapp and Francine Lewis, which were manufactured outside the United States and imported into the United States by VWGoA.

9. VW Germany does not have an office, factory, warehouse, or research facility in the United States, including in Virginia.

10. VW Germany does not employ individuals in Virginia.

11. VW Germany does not own, lease, or possess any real estate property in Virginia.

12. VW Germany does not maintain any bank accounts in Virginia.

13. VW Germany has no agent for service of legal process in Virginia. Nor has VW Germany designated any entity as its agent for service of legal process in Virginia.

14. VW Germany is not a taxpayer in Virginia.

15. While VW Germany has registered the names “Volkswagen” and “VW” with the U.S. Patent and Trademark Office, such registration is necessary to

prevent persons or entities from appropriating its brand and intellectual property in the United States. VW Germany similarly registers its trademarks in other countries around the world. VW Germany licenses its trademarks to VWGoA.

Volkswagen Group of America, Inc. (“VWGoA”)

16. VWGoA is the exclusive entity that imports, distributes, markets, advertises, and sells Volkswagen-branded vehicles in the United States. VWGoA sells vehicles to independent dealerships who, in turn, sell and lease vehicles and replacement parts to consumers.

17. VWGoA is incorporated under the laws of New Jersey, and it is headquartered in Reston, Virginia. VWGoA was formerly a direct, wholly owned subsidiary of VW Germany. As of January 1, 2025, VWGoA is a wholly owned subsidiary of Volkswagen International America, Inc. (“VWIA”), which is a wholly owned subsidiary of VW Germany.

18. The terms “Volkswagen,” “Volkswagen Defendants,” and “Volkswagen Group” are characterizations by Plaintiffs that do not refer to any recognized legal entity. VWGoA is a separate, distinct, and independent corporate business entity from VW Germany. Audi AG and Audi of America, LLC are also separate, distinct, and independent corporate business entities from VW Germany, VWGoA, and each other.

19. VWGoA purchases Volkswagen-branded vehicles from VW Germany

outside the United States, and ownership of those vehicles passes to VWGoA outside the United States. VWGoA, not VW Germany, imports Volkswagen vehicles into the United States. VW Germany does not ship Volkswagen or Audi vehicles into Virginia, or California, or anywhere else in the United States. While it delivers vehicles to ships in German ports as designated by VWGoA or other entities that are responsible for shipping, it has no further involvement.

20. VWGoA, not VW Germany, holds the dealer agreements with authorized Volkswagen dealers in the United States. VWGoA, not VW Germany, determines which dealers are authorized to sell, lease and service Volkswagen vehicles in the United States. VWGoA sells Volkswagen vehicles to authorized Volkswagen dealerships, which are independent businesses that sell and lease Volkswagen vehicles to consumers.

21. VWGoA, not VW Germany, provides warranties to consumers in connection with new Volkswagen vehicles sold and leased in the United States. VWGoA, not VW Germany, administers those warranties for consumer coverage and reimbursement to dealers.

22. After VWGoA purchases vehicles from VW Germany, VWGoA has complete and exclusive decision-making authority, control, discretion, and oversight concerning which vehicles will be allocated and sold to independent, authorized dealerships located in Virginia or any other state. VWGoA decides how and whether

to market such vehicles, and independent dealerships can also market vehicles.

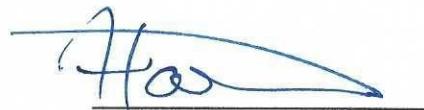
23. VW Germany has neither authority nor control over VWGoA's decisions regarding which vehicles VWGoA will deliver to, market, or sell in any particular state, including Virginia.

24. VWGoA's offices, facilities, board of directors, officers, and employees are separate from those of VW Germany. VW Germany does not manage VWGoA's finances or payroll, and the companies do not share bank accounts. Further, VW Germany does not exercise day-to-day control over VWGoA or any authorized Volkswagen dealer in the United States, all of whom are separate, independent businesses from VW Germany.

25. VW Germany is a distinct corporate entity from VWGoA, and each entity follows its applicable corporate formalities.

I declare, under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on February 26, 2025 in Wolfsburg, Germany.



Hans-Ulrik von Bülow